

# Notice of Allowability

Application No.

10/811,336

Examiner

Thong Q. Nguyen

Applicant(s)

HARRISON ET AL.

Art Unit

2872

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable; PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments of 3/3/06, 3/27/06 and 4/18/06.
2. ☒ The allowed claim(s) is/are 1-14, 17-18 and 20-25 which are renumbered as claims 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

THONG NGUYEN  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Response to Amendment***

1. The present Office action is made in response to the amendments filed on 3/3/06; 3/27/06 and 4/18/06.
2. It is noted that in the amendment of 3/3/06, applicant has made changes to the specification, the drawings and the claims. Regarding to the claims, applicant has amended claims 1, 3, 9, 11-14 and 20-24 and canceled claims 15-16 and 19. However, applicant has not provided a proper status indicator for the amended claim 13 and indicated that the sheet contained fig. 5 is a replacement sheet.
3. In response to the notices of non-compliant, applicant has filed an amendment on 3/27/06 and an amendment on 4/18/06. The amendment of 3/27/06, applicant has corrected the status indicator of claim 13 and in the amendment of 4/18/06, applicant has filed a replacement sheet of figure 5 and added a new dependent claim 25 into the application.
4. As a result of entering the amendments of 3/27/06 and 4/18/06, the pending claims are claims 1-14, 17-18 and 20-25.

### ***Election/Restrictions***

5. The amendments to claim 14 are sufficient to make the device as claimed in present claim 14 distinguish from the art of record. It is also noted that an update complete search has resulted that the device as claimed in independent claim 14 is allowable with respect to the prior art, and thus claims 17-18 are now rejoined because they are dependent upon an allowable claim 14.

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The status indicator of claims 17 and 18 are changed from "(Withdrawn)" to --(original)—by the examiner as provided in the Examiner's amendment below.

***Drawings***

6. The objections to the drawings as set forth in the previous Office action are overcome by the amendments to the drawings and the specification. It is noted that the original sheets contained figures 6-9 filed by applicant on 3/26/04; the replacement sheets contained corrected figures 1-3 and 4A-C filed by applicant on 3/27/06 and the replacement sheet contained figure 5 filed by applicant on 4/18/06 are approved by the Examiner.

***Specification***

7. The lengthy specification which is amended by the amendment of 3/27/06 has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

**EXAMINER'S AMENDMENT**

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

**In the claims:**

- A) In claim 14: on line 10: changed "the first gear wheel" to --a first gear wheel--;
- B) In claim 17: on line 1, changed "(Withdrawn)" to --(original)--, and
- C) In claim 17: on line 1, changed "(Withdrawn)" to --(original)--.

***Allowable Subject Matter***

- 9. Claims 1-14, 17-18 and 20-25 are allowed.
- 10. The following is an examiner's statement of reasons for allowance:
  - a) The device as claimed in claim 1 is patentable with respect to the prior art, in particular, the U.S. Patent Nos. 4,482,221 and 5,213,293 by the limitations related to the structure of the microscope stand for supporting the operating element in a microscope having a focusing device and an adjusting stop mechanism for limiting the movement of the microscope stage. It is noted that a microscope having a focusing device and an adjusting stop mechanism is disclosed in the art as can be seen in the Patent 4,482,221 (see columns 2-5 and figures 1-4) and the use of a curved slot for allowing a movement of a bar in both horizontal and vertical directions is disclosed in the Patent No. 5,213,293 (see column 4 and figs. 5); however, the prior art does not disclose a microscope having a focusing device and an adjustable stop mechanism for limiting the movement of a microscope stage wherein the stand comprises an elongated slot provided at each side of the stand which allows a change of the position of the

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operating element of the focusing device in both horizontal and vertical directions as claimed.

b) The device as claimed in each dependent claim 14 is allowable with respect to the prior art, in particular, the U.S. Patent Nos. 4,482,221; 4,573,771 and 4,512,206 by the limitations related to the structure of the focusing device and the stop mechanism. It is noted that the use of a focus device and a stop mechanism is disclosed in the art as can be seen in the Patent No. 4,482,221 (see columns 2-5 and figs. 1-4) and the use of a pin on a block is disclosed in each of the Patent Nos. 4,573,771 and 4,512,206; however, the cited art does not disclose a rocker disposed on the second axle of a gear wheel arrangement wherein the rocker is operated by a pin mounted at the periphery of the first gear of the gear wheel arrangement as claimed.

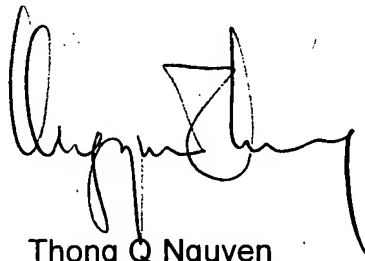
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thong Q. Nguyen', with a stylized flourish at the end.

Thong Q. Nguyen  
Primary Examiner  
Art Unit 2872

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REPLACEMENT SHEET

1/9

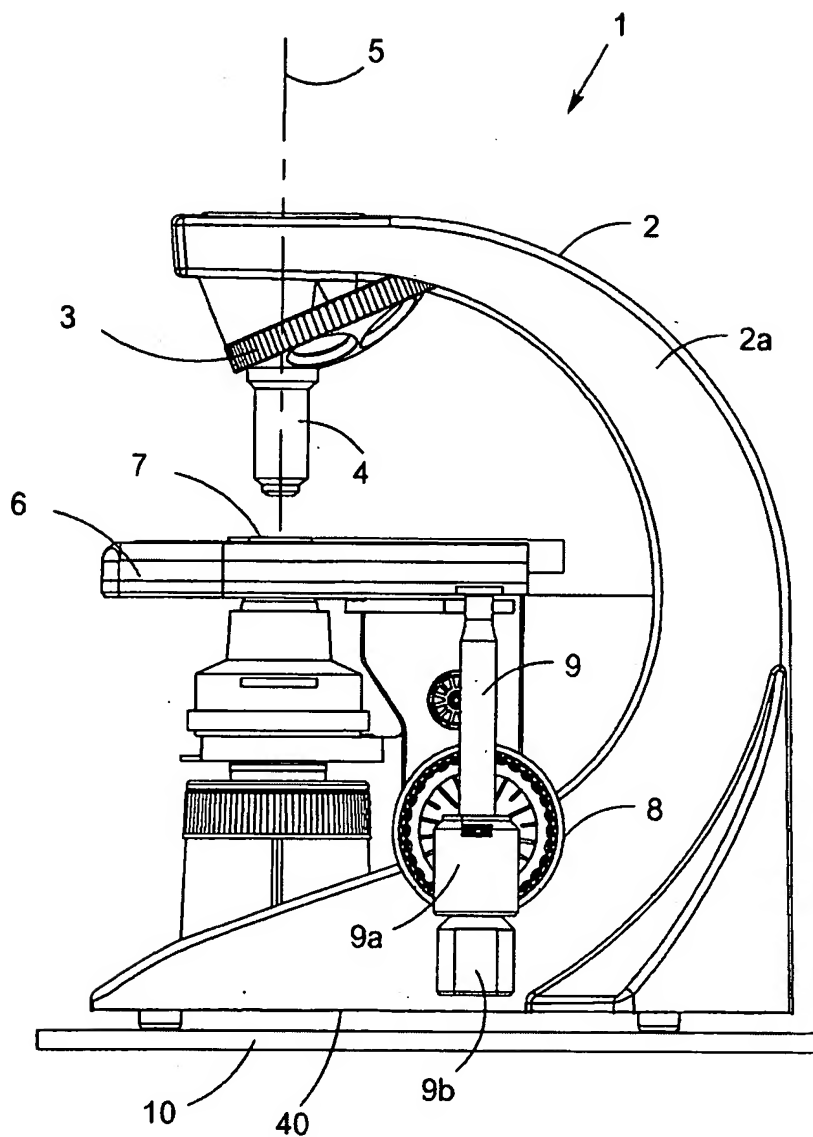


Fig. 1

Enty approved  
5/21/07

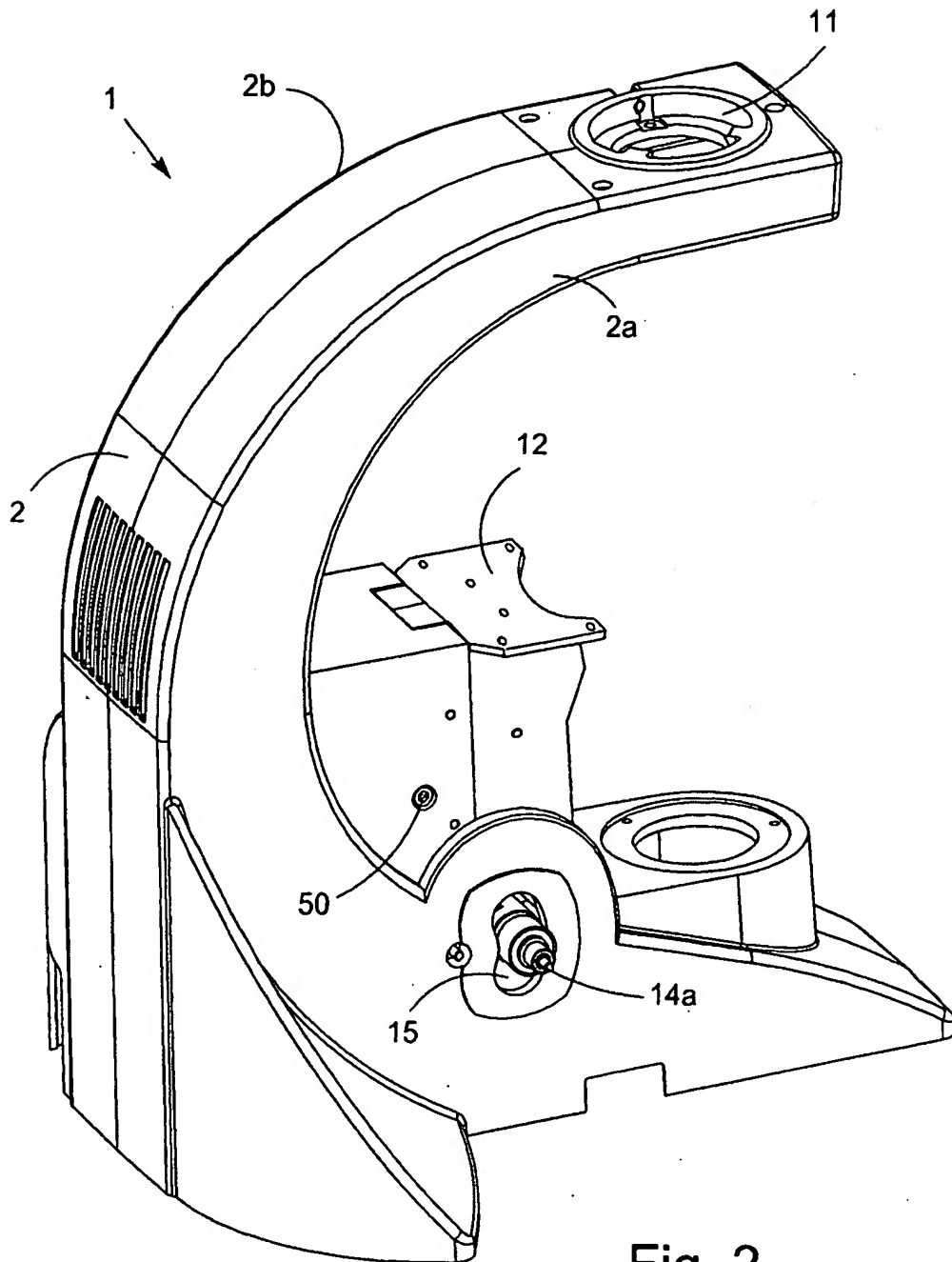


Fig. 2



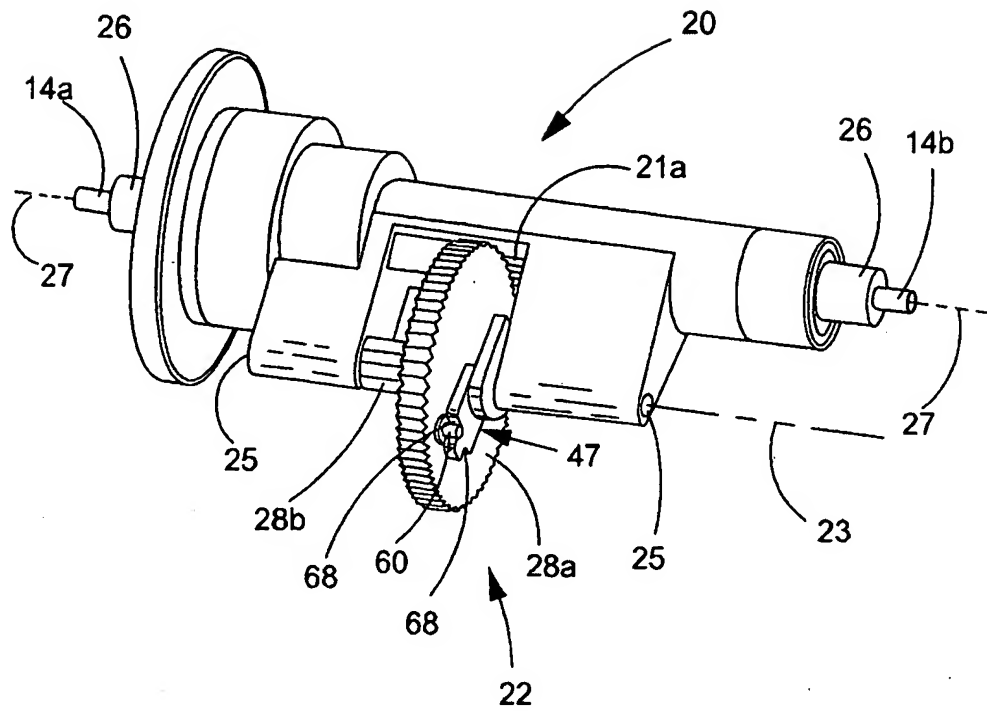


Fig. 3

2-10-00  
5/2/00

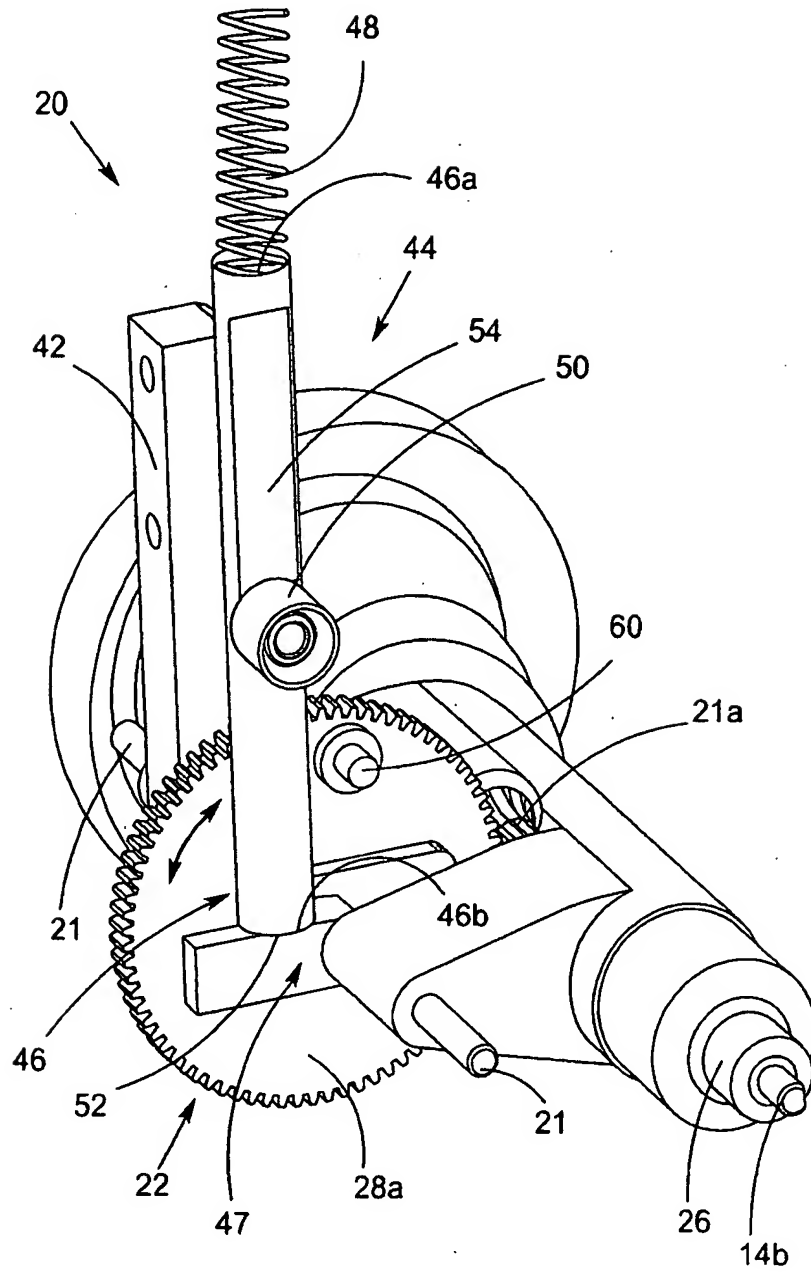


Fig. 4A

Entry opening  
5/12/00

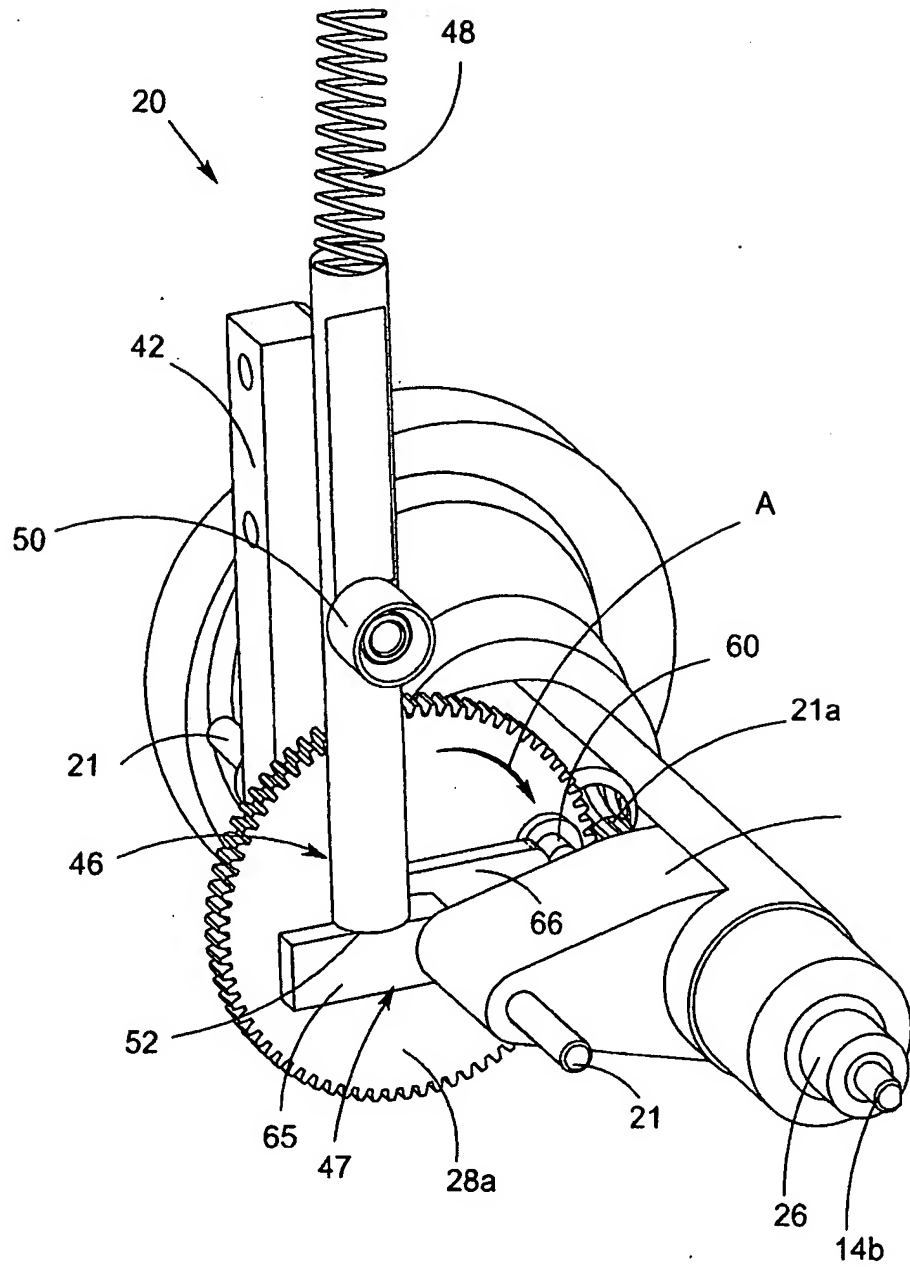
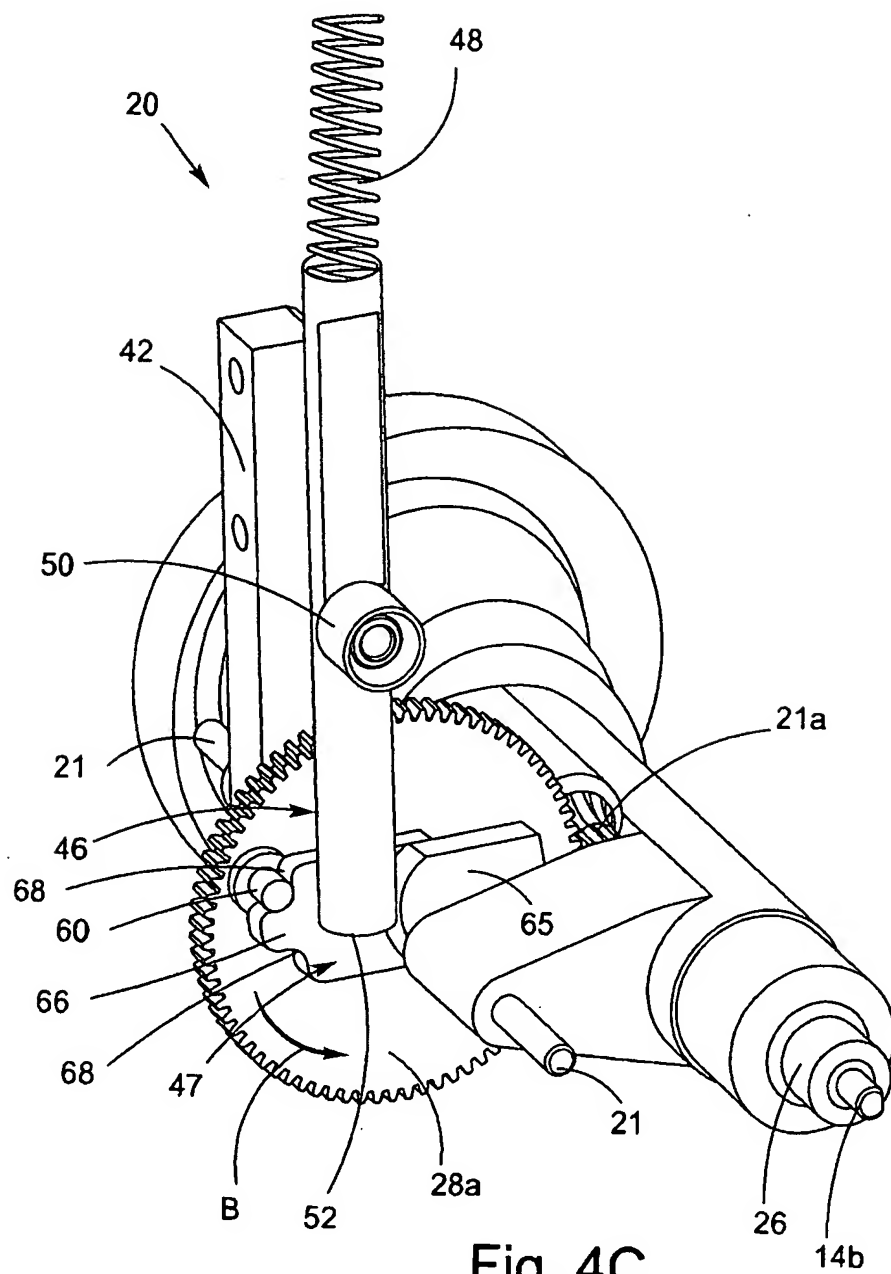


Fig. 4B



**Fig. 4C**

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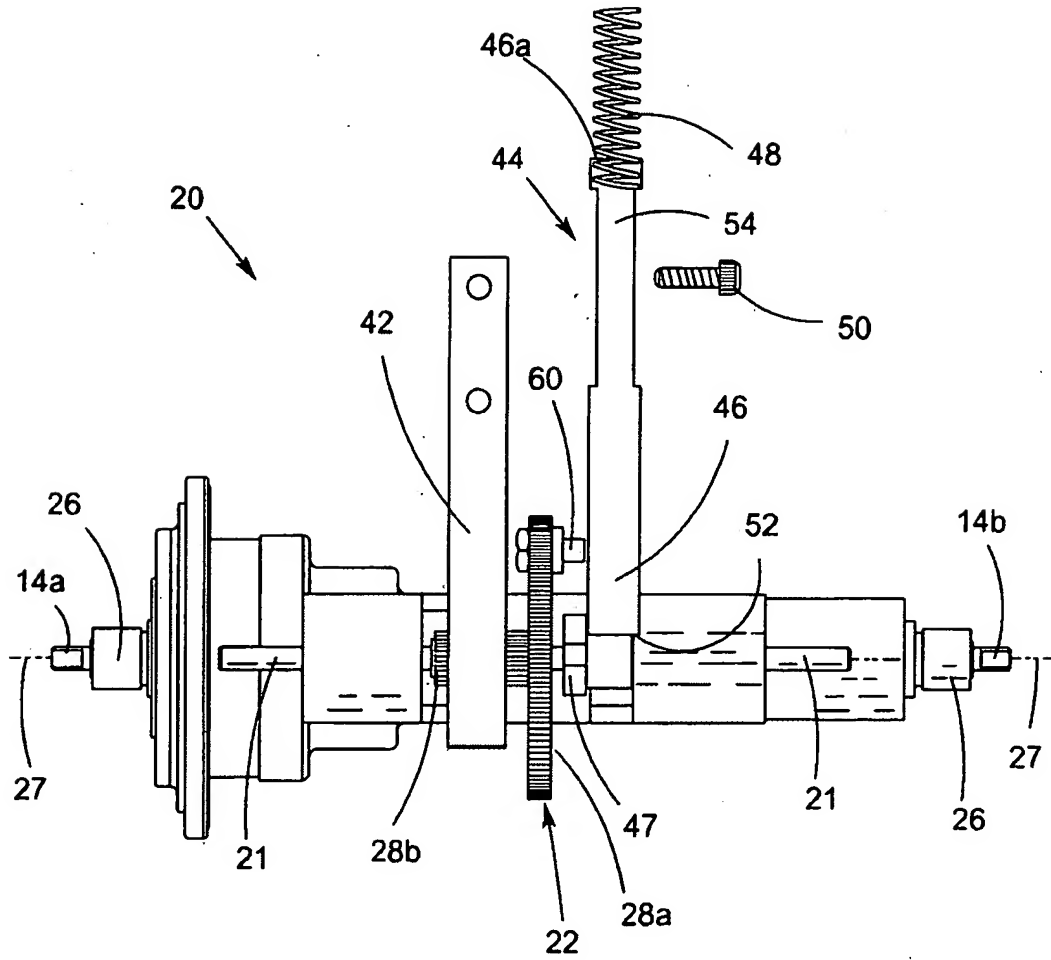


Fig. 5